

Chapter 9

PARKS AND RECREATION

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Article 9-1

PARKS AND RECREATION DEPARTMENT

Sections:

- 9-1-1 Established**
- 9-1-2 Appointment and Compensation of Director**
- 9-1-3 Powers and Duties of Director**
- 9-1-4 Employees and Equipment**

Section 9-1-1 Established

There is hereby created the department of parks and recreation, a department of the town. It shall consist of the director of parks and recreation, who shall be the head of the department and all employees assigned thereto. All such employees shall perform their duties subject to the supervision of the director. The director of parks and recreation shall supervise the department in accordance with all applicable personnel ordinances and shall exercise such powers and perform such duties as are required by resolution, ordinances or directives from the council and town manager.

Section 9-1-2 Appointment and Compensation of Director

The position of director of parks and recreation is hereby declared as an appointive position, whose appointment and removal shall be up to the sole discretion of the town manager; compensation shall be determined in accordance with the established policies of the town.

Section 9-1-3 Powers and Duties of Director

The director of parks and recreation shall:

- A. Administer and operate existing recreation and park areas, facilities and programs and plans for the acquisition, development and operation of proposed facilities and programs in accordance with policies and procedures set by the council and town manager.
- B. Prepare an annual budget for presentation under the direction of the town manager.
- C. Inform the general public of the services and facilities being provided by the department of parks and recreation; address professional, civic and lay groups on recreational subjects; solicit suggestions from the general public on increasing the effectiveness of the recreation program; cooperate with governmental and voluntary organizations and agencies in solving of recreation problems and provide, upon request, assistance of a technical nature to community agencies and organizations on problems related to recreation and park facilities and programs.
- D. Assist community organizations in the promotion of recreational activities; conduct studies of local conditions and needs for recreation services facilities and assist with the recruitment and training of professional recreation personnel and volunteer leaders.

- E. Upon request, advise the council and community organizations concerning the expenditure of public funds for recreation and parks, acquisitions, design and development of recreation facilities and areas.
- F. With the approval of the council, post such rules and regulations as deemed necessary for the conduct of persons in the parks and other recreation facilities under the director's jurisdiction and see that the proper ordinances are adopted authorizing said rules and regulations.
- G. Perform other duties as may be assigned by the town manager.
(01-16, Amended, 12/04/2001; 99-17, Amended, 04/01/1999)

Section 9-1-4 Employees and Equipment

Manpower and equipment necessary to satisfactorily perform the above functions, including the maintenance and improvement of facilities may be secured either by the hiring of new employees and the purchase or lease of equipment or by assignment of employees and equipment, either in whole or in part, from the staff or equipment assigned in the main to other departments of the town, all at the option of the town manager with the approval of the council if required.

Article 9-2

DELETED

Sections:

9-2-1 Deleted

9-2-2 Deleted

9-2-3 Deleted

9-2-4 Deleted

9-2-5 Deleted

9-2-6 Deleted

9-2-7 Deleted

Section 9-2-1 Deleted

(14-04, Deleted, 08/07/2014; 01-23, Amended, 01/17/2002)

Section 9-2-2 Deleted

(14-04, Deleted, 08/07/2014)

Section 9-2-3 Deleted

(14-04, Deleted, 08/07/2014; 99-34, Amended, 12/02/1999; 94-01, Amended, 01/20/1994)

Section 9-2-4 Deleted

(14-04, Deleted, 08/07/2014)

Section 9-2-5 Deleted

(14-04, Deleted, 08/07/2014)

Section 9-2-6 Deleted

(14-04, Deleted, 08/07/2014)

Section 9-2-7 Deleted

(14-04, Deleted, 08/07/2014)

Article 9-3

WATERCOURSE PRESERVATION AND HABITAT ORDINANCE

Sections:

- 9-3-1 Purpose and Intent**
- 9-3-2 Definitions**
- 9-3-3 Development of Washes**
- 9-3-4 Voter Approval of Development**
- 9-3-5 Restrictions on Transfer or Alienation**
- 9-3-6 Modification, Amendment or Appeal**
- 9-3-7 Severability**

Section 9-3-1 Purpose and Intent

Washes owned by the town are valuable natural resources that contribute to the quality of life for the residents of the town. Such washes assist in natural groundwater recharge, support wildlife habitat and provide natural open space. The washes are an integral part of the town's unique Sonoran Desert heritage. The washes are our legacy to the citizens of the town. These regulations are specifically intended to accomplish the following:

- A. Maintain the natural state of any washes now owned by the town or to be acquired by whatever means by the town.
- B. Provide for natural groundwater recharge.
- C. Provide for wildlife corridors.
- D. Provide open space areas in a natural and unaltered desert environment.

Section 9-3-2 Definitions

- A. "Development" means any human alteration to the natural state of the land including its vegetation, soil, geology or hydrology for any use except flood control, fire control and matters of public safety or emergency, or easement use or maintenance, or maintenance of any existing structure or fixture existing as of the twenty-eighth day of May, 1996.
- B. "Wash" means any natural watercourse as existing on land owned or to be owned by the town including the immediately adjacent banks of any such wash.

Section 9-3-3 Development of Washes

No development of any wash shall occur except by an affirmative vote of town electors in any general election held by the town.

Section 9-3-4 Voter Approval of Development

Any proposed development of any wash, submitted for voter approval, shall be submitted only after comprehensive studies including, but not limited to the following, have occurred and have been made available in their entirety to the public in at least three open meetings, preceded by at least seven days notice, and at least thirty days prior to any general election:

- A. A comprehensive inventory and study of, and impact on all vegetation, wildlife and existing recreational uses to be impacted by any proposed development.
- B. Comprehensive recommendations to mitigate any impact to vegetation, wildlife and existing recreational uses.
- C. All alternatives to such development.
- D. Review and analysis of capital costs of any proposed development, including projections of any maintenance expenses projected out at least five years.

Section 9-3-5 Restrictions on Transfer or Alienation

No sale, swap, trade, lease, transfer or other alienation of any town interest in any wash shall occur without affirmative approval of town electors voting in any town general election.

Section 9-3-6 Modification, Amendment or Appeal

This article shall not be amended, modified or repealed except by affirmative vote of the town electors voting in any general town election.

Section 9-3-7 Severability

Should any section of this article be determined to be void, unlawful or of no effect, the remaining sections shall continue to be fully applicable and shall be deemed to be in full force and effect.

Article 9-4

PARK RULES AND REGULATIONS

Sections:

9-4-1 Purpose and Intent

9-4-2 Consumption of Alcohol at Town Owned Parks

9-4-3 Rules and Regulations at Town Owned Parks

Section 9-4-1 Purpose and Intent

Town owned parks provide excellent recreational opportunities and encourage enhanced quality of life to Town residents. Such parks are maintained and operated with an emphasis on safety, cleanliness, and beauty. These regulations are specifically intended to provide rules and regulations for each Town-owned park and is accomplished as follows:

(01-16, Added, 12/04/2001)

Section 9-4-2 Consumption of Alcohol at Town Owned Parks

- A. The consumption of spirituous liquor as defined in Paragraph 31 of §A.R.S. 4-101 is prohibited in Town-owned parks unless pursuant to a valid Arizona special events liquor license and the expressed written permission of the Town Council.
- B. The consumption of beer and wine on the premises of Town-owned parks is limited and restricted to specific permitted areas. Upon receipt of a completed application form and payment of the proper fee, the director shall review the application and issue the permit pursuant to printed rules and regulations developed by the director.
- C. Penalty: Violation of any provision of this section shall, upon conviction, be considered a Class 1 Misdemeanor.

(01-16, Amended, 12/04/2001)

Section 9-4-3 Rules and Regulations at Town Owned Parks

- A. All persons who use Town owned Parks shall obey the following rules while on park property.
 - 1. No open fires.
 - 2. No overnight camping.
 - 3. No firearms or weapons, except as authorized by Arizona law.
 - 4. No pets allowed except on leash. Animal waste shall be removed by owner in all Town park facilities. Activities within the off-leash recreational facility are exempt from the leash provision.
 - 5. No person shall operate skateboards, roller blades, inline skates, bicycles or any rolling (nonmotorized) vehicle in Town parks where such activity is specifically prohibited by appropriate posting or in an unsafe manner so as to infringe upon the safety of themselves or other park users. Activities within the bounded area of the skate park facility are exempt

from this provision.

6. The skate park facility and the off-leash recreational facility shall each be subject to their own unique and specific rules. Rules and regulations shall be visibly posed at the skate park facility, and are subject to change by action of the director.
7. Park hours shall be visibly posted at each park.
8. No vehicles except in designated areas and any vehicles left after 11:00 p.m. will be towed at the owner's expense.
9. No golfing or practicing of golf on grass areas.
10. No glass beverage containers.
11. Gas powered model airplanes and incendiary model rockets are prohibited.
12. Lakes, fountains, and other waterways shall not be used for swimming, wading, bathing, fishing, or boating.
13. No person shall tether, launch or land a hot air balloon in a Town park except with the permission of authorized Town staff and a Special Event Permit.
14. The Town of Fountain Hills specifically reserves the right to hold financially liable the parents of any minor child for consequences of the child's infraction of this code and/or any damage a minor child causes on or to Town property.
15. The director shall have the power to enact new park rules at any time to the extent that such rules are consistent with Federal and State law, and this Town Code. Such additional rules will be considered petty offenses as defined under B(1) and B(2) below.

B. Penalties

1. Violation of subsections A(4) through A(14) shall be considered a petty offense if the offender has not committed the same infraction within the last twenty-four (24) months. Petty Offenses shall be punishable by a fine of up to one hundred dollars (\$100.00).
2. Subsequent violations(s) of the same subsection A(4) through A(14) within a twenty-four (24) month period shall be considered a Class 3 Misdemeanor, and will be punishable as such under State Law.
3. Violations of subsection A(1), A(2), or A(3) of this section shall be considered a Class 1 Misdemeanor and will be punishable as such under State Law.

(14-09, Amended, 09/18/2014; 01-16, Amended, 12/04/2001)

Article 9-5

FOUNTAIN HILLS MCDOWELL MOUNTAIN PRESERVE

Sections:

- 9-5-1 Purpose and Intent**
- 9-5-2 Definitions**
- 9-5-3 General Preserve Regulations**
- 9-5-4 Central Trailhead Regulations**
- 9-5-5 Golden Eagle Trailhead Regulations**
- 9-5-6 Trailhead and Trail Development**
- 9-5-7 Penalties**
- 9-5-8 Severability**

Section 9-5-1 Purpose and Intent

The Fountain Hills McDowell Mountain Preserve (“the Preserve”) encompasses a scenic area of mountainous, pristine land within Fountain Hills that will be preserved in its natural state for the benefit of this and future generations. In order for the Town to achieve tandem goals of providing trails and trailhead locations to facilitate public access into the Preserve and to safeguard the Preserve for this and future generations, a thorough set of Preserve, trailhead and trails regulations are needed. These regulations are specifically intended to accomplish the following:

- A. Maintain the existing undisturbed, desert environment of the Preserve.
- B. Provide for Preserve use regulations that will maintain wildlife habitat and limit human encroachment to specific areas within the Preserve.
- C. Provide use regulations for the Central Trailhead that will provide public access into the Preserve.
- D. Provide use regulations for the Golden Eagle Trailhead, including access control into the Preserve through McDowell Mountain Park.
- E. Provide for the development of a trail system within the Preserve and connectivity to abutting trail systems in the City of Scottsdale and within McDowell Mountain Park.

(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-2 Definitions

- A. “Camping” means any effort to erect a tent or shelter, sleeping, use of a sleeping bag, or the parking of a trailer or camper for the purpose of sleeping or remaining overnight.
- B. “Central Trailhead” means the developed portions of that trailhead located at the terminus of Eagle Ridge Drive.
- C. “Emergency Access Route” means that roadway between the central trailhead and the southwestern corner of the Eagles Nest subdivision that can be used to evacuate people out of the Eagle Ridge North subdivision.

- D. “Golden Eagle Trailhead” means the developed portions of that trailhead located at the public terminus of Golden Eagle Drive.
- E. The “Preserve” shall mean those lands identified by Resolution 2002-01 as the Fountain Hills McDowell Mountain Preserve
- F. “Special Preserve Permit” means a noncommercial permit issued by the Parks and Recreation Department required for group functions in and around the Central Trailhead.
- G. “Spider Trail” means an unauthorized trail or pathway within the Preserve.
- H. “Trail” means an authorized pathway within the Preserve.
- I. “Violation” means any act that violates any of the rules or regulations contained within this Article, punishable as specified in Section 9-5-7 herein.
(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-3 General Preserve Regulations

The following are prohibited within the Preserve:

- A. Accessing the Preserve by leaving a trail or trailhead. All Preserve visitors shall stay on authorized trails and within trailheads, unless approved by the Director of Community Development.
- B. Accessing the Preserve outside of the posted hours of operation, unless approved by the Director of Community Development.
- C. Alcoholic beverages.
- D. Camping.
- E. Carrying or using any type of glass or ceramic container.
- F. Creating, developing or using any type of spider trail.
- G. Destroying any barriers, signs, or other Town property.
- H. Destroying, damaging or removing any vegetative or mineral resource, including but not limited to any tree, shrub, wildflower, cactus or rock outcropping.
- I. Dogs are prohibited unless on a 6-foot maximum leash at all times, and must remain on trails.
- J. Horses.
- K. Hunting, trapping or otherwise harming or harassing any wildlife.
- L. Littering or depositing garbage, trash, refuse or other obnoxious material anywhere other than in specific Town-provided containers provided for that purpose.

- M. Setting or igniting any type of fire.
- N. Smoking.
- O. Throwing rocks or other objects into washes, including but not limited to up or down hillsides and on or off trails.
- P. Using any vehicle, including motorized vehicles and bicycles, except authorized maintenance vehicles and during emergency evacuations along the Emergency Access Route as directed by emergency personnel.
- Q. Using or discharging any firearm, bow and arrow, slingshot or other weapon.
(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-4 Central Trailhead Regulations

In addition to the prohibitions in Section 9-5-3, the following are prohibited within the Central Trailhead:

- A. Accessing or utilizing the Central Trailhead outside of the posted hours of operation.
- B. Alcoholic beverages, unless as approved by Special Preserve Permit.
- C. Groups of 20 or more people without a Special Preserve Permit, to ensure adequate available parking.
- D. Horses or horse trailers.
- E. Parking vehicles outside of designated parking spaces.
- F. Parking vehicles in the school bus parking spaces, except on weekends. School buses may utilize these parking spaces with prior Town approval.
- G. Use of a covered ramada that has been reserved by others, through a Special Preserve Permit.
- H. Vehicles longer than 19 feet.
(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-5 Golden Eagle Trailhead Regulations

The Golden Eagle Trailhead is a public parking area to provide a primary point for access into the southwestern portion of McDowell Mountain Park from the Town of Fountain Hills. It may also be possible to access the Preserve, through McDowell Mountain Park, from the Golden Eagle Trailhead. All users of the Golden Eagle Trailhead will be directed along public access easements through a private subdivision to gain access to McDowell Mountain Park. All users of McDowell Mountain Park shall abide by those rules and regulations established by Maricopa County for McDowell Mountain Park. In addition to the prohibitions in Section 9-5-3, the following are prohibited within the Golden Eagle Trailhead:

- A. Accessing or utilizing the Golden Eagle Trailhead outside of the posted hours of operation.
- B. Although bicycles may be permitted within McDowell Mountain Park, bicycles are not permitted in the Preserve, even if accessed from the north through McDowell Mountain Park. Bicycles are permitted within the trailhead and the public access easement(s) and into McDowell Mountain Park, if permitted by McDowell Mountain Park rules.
- C. Horses or horse trailers.
- D. Vehicles longer than 19 feet.
(Ordinance 01-23, Added, 01/17/2002)

Section 9-5-6 Trailhead and Trail Development

The McDowell Mountain Preserve Commission will be responsible for the design of any trailhead and the development of any trails within the Preserve.

(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-7 Penalties

The Rules and Regulations contained in Article 9-5 will be considered petty offenses and/or Class 1 Misdemeanors as specified under subsections A through C below:

- A. Violations of the rules and regulations contained in subsections 9-5-3 (A, B, C, E, F, I, J, L, N and O) and Sections 9-5-4 and 9-5-5 shall be considered a petty offense if the offender has not been convicted of the same infraction within the last twenty-four (24) months. Petty offenses shall be punishable by a fine of up to one hundred dollars (\$100.00).
- B. Subsequent conviction(s) of the same subsections 9-5-3 (A, B, C, E, F, I, J, L, N and O) and Sections 9-5-4 and 9-5-5 within a twenty-four (24) month period shall be considered a Class 3 Misdemeanor, and will be punishable as such under State Law.
- C. Violations of the rules and regulations contained in subsections 9-5-3 (D, G, H, K, M, P and Q) of this section shall be considered a Class 1 Misdemeanor and will be punishable as such under State Law.

(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-8 Severability

Should any section of this Article be determined to be void, unlawful or of no effect, the remaining sections shall continue to be fully applicable and shall be deemed to be in full force and effect.

(Ordinance 2002-01, Added, 01/17/2002)